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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

12 IN RE OPTICAL DISK DRIVE PRODUCTS
13 ANTITRUST LITIGATION

MDL Docket No. 3:10-md-02143 RS

This document relates to:

Case No. 3:13-cv-05370 RS

Hewlett-Packard Company,

**STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME TO FILE A
PROPOSED BRIEFING SCHEDULE
REGARDING DEFENDANTS' MOTION
TO DISMISS HP'S FIRST AMENDED
COMPLAINT**

Plaintiff,

v.

Toshiba Corporation, et al.,

Defendants.

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1 WHEREAS, Hewlett-Packard Company (“HP”) has filed two separate actions—(i) the
 2 above-captioned action, and (ii) *Hewlett-Packard Co. v. LG Electronics, Inc. et. al.*, Case No.
 3 3:13-cv-05371 (the “Second Action”—both of which have been transferred to this Court as part
 4 of MDL No. 2143 (Dkt. 1073);

5 WHEREAS, on May 23, 2014, the Court entered a Stipulation and Order Regarding
 6 Defendants’ Responses to First Amended Complaint in this action, stating that to the extent any
 7 Defendant or Defendants move to dismiss HP’s First Amended Complaint, the parties shall work
 8 in good faith to reach an agreed upon briefing schedule to present to the Court no later than July
 9 7, 2014 (Dkt. 28);

10 WHEREAS, on June 23, 2014, the undersigned Defendants filed a motion to dismiss the
 11 First Amended Complaint in this action (Dkt. 32) pursuant to Federal Rule of Civil Procedure
 12 12(b)(6);

13 WHEREAS, on June 23, 2014, HP filed a separate Second Amended Complaint in the
 14 Second Action, Case No. 3:13-cv-05371, naming certain other Defendants, and those Defendants’
 15 responses to that complaint are due on or before August 7, 2014 (*see* Case No. 3:13-cv-05371,
 16 Dkt. 33);

17 WHEREAS, the parties in this action continue to meet and confer regarding a proposed
 18 briefing schedule, including a proposal for consolidated briefing between the motion to dismiss
 19 filed in this action and any motion(s) to dismiss which may be filed in the Second Action (Case
 20 No. 3:13-cv-05371), and request additional time in order to reach such an agreed-upon briefing
 21 schedule; and

22 WHEREAS, the parties believe they can present a proposed briefing schedule to the Court
 23 no later than July 18, 2014;

24 It is therefore STIPULATED and AGREED, subject to Court approval, that:

25 The parties shall work in good faith to reach an agreed upon briefing schedule for the
 26 Defendants’ pending motion to dismiss (Dkt. 32) and shall present a stipulated briefing schedule
 27 to the Court no later than July 18, 2014.

28 IT IS SO STIPULATED.

1
2 DATED: July 7, 2014

LATHAM & WATKINS LLP

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Storage Technology Corporation, Toshiba
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DATED: July 7, 2014

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DATED: July 7, 2014

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DATED: July 7, 2014

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9 DATED: July 7, 2014

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16 DATED: July 7, 2014

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7 Pursuant to Civil Local Rule 5-1(i)(3), the filer attests that concurrence in the filing of
8 this document has been obtained from each of the signatories.

9 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

10 DATED: 7/8/14

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12 
13 HONORABLE RICHARD SEEBORG
14 UNITED STATES DISTRICT COURT JUDGE

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